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LEGISLATIVE HISTORY

Public Law 43---78th Congress

Chapter 80---1st Session

H. R. 2020

TABLE OF CONTENTS

Digest of Public Law 43	1
Summary and Index of History on H. R. 2020	2

DIGEST OF PUBLIC LAW 43.

AAA TOBACCO ACREAGE ALLOTMENTS. Provides that Burley tobacco acreage allotments under the Agricultural Adjustment Act of 1938 shall not be less than $\frac{1}{2}$ acre for all farms for which a 1942 allotment was established, and that the acreage required to raise the additional allotment shall be in addition to the national and State acreage allotments otherwise established.

Summary and Index of History on H. R. 2020.

March 1, 1943	Introduced by Rep. Flannagan. Referred to the Committee on Agriculture. Print of bill as introduced.
March 19, 1943	House Committee on Agriculture reported without amendment. H. Rept. 266. Print of bill as reported.
March 22, 1943	Passed House without amendment.
March 23, 1943	Referred to Senate Committee on Agriculture and Forestry. Print of bill as referred.
April 16, 1943	Senate Committee on Agriculture and Forestry reported without amendment. S. Rept. 199. Print of bill as reported.
April 19, 1943	Passed Senate without amendment.
April 29, 1943	Approved, Public Law 43.

H. R. 2020

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1943

Mr. FLANNAGAN introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 313 (a) of subtitle B of title III of the Agri-
4 cultural Adjustment Act of 1938, as amended, is amended
5 by striking out the period at the end of said subsection and
6 inserting in lieu thereof a colon and the following new
7 proviso: "*And provided further, That the Burley tobacco*
8 acreage allotment which would otherwise be established for
9 any farm having a Burley acreage allotment in 1942 shall
10 not be less than one-half acre, and the acreage required for
11 apportionment under this proviso shall be in addition to ~~the~~
12 National and State acreage allotments."

78TH CONGRESS
1ST SESSION

H. R. 2020

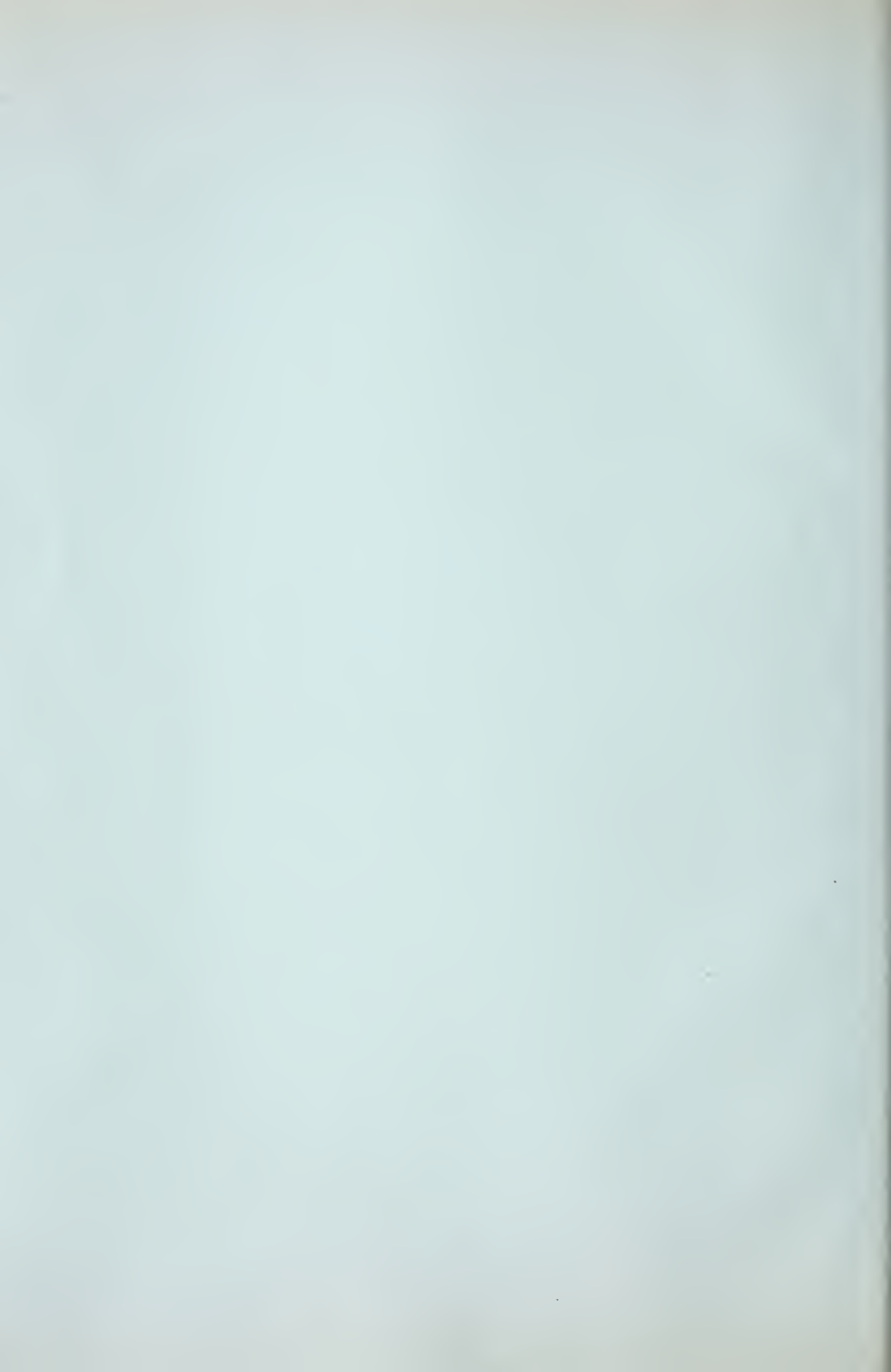
A BILL

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

By Mr. FLANNAGAN

MARCH 1, 1943

Referred to the Committee on Agriculture



Union Calendar No. 83

78TH CONGRESS
1ST SESSION

H. R. 2020

[Report No. 266]

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1943

Mr. FLANNAGAN introduced the following bill; which was referred to the Committee on Agriculture

MARCH 19, 1943

Committed to the Committee of the Whole House on the state of the Union
and ordered to be printed

A BILL

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 313 (a) of subtitle B of title III of the Agri-
- 4 cultural Adjustment Act of 1938, as amended, is amended
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- 9 any farm having a Burley acreage allotment in 1942 shall

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Union Calendar No. 83

78TH CONGRESS
1ST Session

H. R. 2020

[Report No. 266]

A BILL

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

By Mr. FLANNAGAN

MARCH 1, 1943

Referred to the Committee on Agriculture

MARCH 19, 1943

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

AMENDING SECTION 313 (a) OF AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

MARCH 19, 1943.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

MR. FLANNAGAN, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H. R. 2020]

The Committee on Agriculture, to whom was referred the bill (H. R. 2020) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT

This bill amends section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, to provide for any farm having a Burley tobacco allotment in 1942 that the allotment which would otherwise be established shall be not less than one-half acre.

Burley tobacco is grown on many small farms. Most allotments in 1942 ranged from one-tenth acre up to 2 acres, the average being about 1.6 acres. With the increase already made in the course of establishing the purpose of this amendment will not be over 6,000 acres. This is about 1½ percent of the present national allotment.

For most small farms growing the crop, burley tobacco is one of the main sources of cash income. It is believed that the effect of this amendment will be to encourage these farmers by giving them the opportunity to obtain a slightly larger income from burley tobacco and that as a result they will tend to increase rather than decrease production of food and feed needed during the war period. The market situation is such that increased production of tobacco resulting from this amendment will be needed. However, it is not believed to be advisable to make any substantial increase in burley tobacco allotments generally at this time as such an increase would tend to

affect adversely the production of food and feed needed more urgently during the war period than tobacco.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

[PUBLIC, 430, 75TH CONG., AS AMENDED]

* * * * *

SEC. 313. (a) The national marketing quota for tobacco established pursuant to the provisions of section 312, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. Notwithstanding any other provision of this section and section 312, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-42 to 1943-44, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing quota is increased or decreased above or below the last preceding national marketing quota: *Provided*, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: *And provided further*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices[.]: *And provided further*, That the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1942 shall not be less than one-half acre, and the acreage required for apportionment under this proviso shall be in addition to the National and State acreage allotments.



So far as I am concerned, the gesture of opposition which has arisen to the pending bill fails to show a single good reason why it should not be speedily enacted. The overwhelming nature of the convincing arguments for it and the character of support which it has had clearly deserves fair and unprejudiced treatment to the residents of the District of Columbia by this House which we cannot honestly refuse. The committee's report, which comes to you without a dissenting voice, should be approved.

Mr. CHAIRMAN, with all of these war emergencies and the financial outlays that the businessmen of the District of Columbia are called upon to contribute and to pay, together with the taxes to carry on the war effort to help hold down the enormous debt burden that is piling up on us, it seems to me that this should be the time to give the businessmen of the District of Columbia some relief from paying into this fund six or seven million dollars a year that can be used in the war effort, that is not needed to carry on the compensation program in the District of Columbia.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. RUSSELL asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. RANDOLPH. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, I am strongly in favor of this bill for two reasons: One that it recognizes the principle of experience rating; the other that in my judgment the committee has taken a decidedly forward step in adopting in this particular bill a provision that for the purpose of this subsection the term "child" shall mean any son, daughter, stepson, or stepdaughter, regardless of age, whom the claimant is morally obligated to support.

I want to call the committee's attention to the fact that for some 3 years I have had an amendment pending before the Ways and Means Committee precisely in line with this provision; namely, that if a parent prefers to keep at home a child that is not normally or mentally developed, has reached, perhaps, the age of 8, 10, or 12 years mentally, and the parents prefer to keep the child at home, under the present act they cannot receive any compensation for the support of that child when it passes 16 years of age.

My amendment has attempted to correct what I considered an injustice, and I am glad that the committee has taken this forward step, which I consider extremely enlightening, in providing that such child should be compensated under this act.

One more thing: I believe that in all the States—and mine was the first State in the Union that ever had this kind of an act—our experience has been that under experience rating we get the best results in the stabilization of employment and we get much better management in business, as far as unemployment is concerned. Therefore, we do not want federalization of the unemployment insurance fund. I appeared against it and I fought it before the

Ways and Means Committee in the last Congress, and I opposed Mr. McGEHEE's first bill, which provided for a flat rate, because it was not on an experience rating basis, and I am very glad that this measure has taken care of that in this provision.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. RANDOLPH. Mr. Chairman, I yield 4 minutes to the gentleman from New Mexico [Mr. ANDERSON].

Mr. ANDERSON of New Mexico. Mr. Chairman, I take this time only to say to the gentleman from West Virginia and the members of the committee that I appreciate the very fine explanation they have given on this bill. I do believe that any bill which involves as much of importance as this bill does ought to be given some time on the floor of this House. The whole question of merit rating is an extremely important one. It is one which has been debated and is now being debated in State legislatures all over the country and it seems to be extremely important. A bill of this character should not pass the Congress without some explanation as to whether the provision which you are inserting in this bill for merit rating seems to follow the established practice of States like the State of Wisconsin, which has had an extremely good experience in the administration of unemployment compensation. I suppose we can all go along with that.

There is a very long series of perhaps minor amendments which no one can follow. For example, if you will look on page 15 of the report you will find there is a provision which changes the fact that an employee has to file his claim, a requirement that he make a claim. I do not understand exactly why that is put in there. Undoubtedly somebody has a good reason for it.

You can go back to another page of the report, page 7, and see the difference in the definition of "week." I do not understand what that is. It seems to me it is not very urgent at this time but surely it is important that we pass this bill.

The very point that the gentleman from Wisconsin [Mr. SAUTHOFF] raised as to dependent children who are over 16 years of age is an extremely important point. It was a weakness in the present law and it is a weakness in the law of almost every State in the Union. It is something that we need to clarify in the District of Columbia.

I am hopeful that the Members of this body realize that the raise in the maximum benefit from \$18 to \$20 is likely to have repercussions in your own State, because once a law is passed in one place, somebody brings it to another and says, "This is a new standard: Bring your standard up to it." It does not always follow that it is a standard for your particular State. But surely in this area it is a change that is worth while.

I do not want to take any more time. I simply want to say that I think the whole bill constitutes a worth-while step in the right direction.

Mr. KEEFE. Will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Wisconsin.

Mr. KEEFE. The distinguished gentleman who has had such marvelous experience in these matters will realize, as I do, that unemployment compensation as such is still in its infancy and that development is bound to take place from year to year as we go on. The provision raising the benefit from \$18 to \$20 a week and raising the period of payment from 19 to 20 weeks, and lessening the waiting period from 2 to 1 week, is simply in line with the liberalization of this law that we experienced in the same liberalization of workmen's compensation as experience indicated the necessity for it being done. Is that not true?

Mr. ANDERSON of New Mexico. Very definitely. In the whole program of unemployment compensation we have to realize that we are still improvising and building as we go along.

Mr. KEEFE. I want to thank the gentleman for the contribution he has made and also to compliment the committee for bringing in such a fine statesmanlike piece of legislation on an intricate subject as this matter is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDOLPH. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, may I say especially to the gentleman from New Mexico and to others of the committee who have manifested an interest in this subject that the pending legislation brought here to the House is the result of almost 3 years of continuous study by the District of Columbia Committee. I believe that we have clarified the general matter, not only as it pertains specifically to the District of Columbia in the operation of unemployment benefits, but also for the country at large, and, particularly in that phase of the discussion, I appreciate the remarks made by the gentleman from Wisconsin [Mr. KEEFE].

I believe that the passage of this legislation is in the interest of not only the employers but the employees in the District of Columbia.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read H. R. 2115.

Mr. RANDOLPH. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH:

On page 26, line 20, strike out the words "other than those."

On page 26, line 21, strike out "imposed under the Federal Unemployment Tax Act."

Mr. RANDOLPH. Mr. Chairman, perhaps I should make one word of explanation. The reason this amendment is offered by the committee is because we have received from the Secretary of the Treasury a letter which suggests this amendment.

He points out that under the provisions of the bill, if enacted without modification, there would be a divestment of the United States of certain rights that have been long standing that have applied under section 346 of the revised

statutes and section 64-A of the National Bankruptcy Act as amended. We offer this simply to meet the request of the Secretary of the Treasury.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. RANDOLPH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. COLMER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 2115, directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. RANDOLPH. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

THE SPEAKER pro tempore. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gross.

The amendments were agreed to.

The bill (H. R. 2115) was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. RANDOLPH. Mr. Speaker, before calling up the next bill I am going to yield for unanimous-consent requests.

EXTENSION OF REMARKS

Mr. HENDRICKS, Mr. DIRKSEN, and Mr. KEEFE asked and were given permission to revise and extend their own remarks.

INCREASE OF CERTAIN TOBACCO QUOTAS

Mr. RANDOLPH. Mr. Speaker, I have been assured by the gentleman from Virginia [Mr. FLANNAGAN] that he has a matter he would like to call up that will take only a minute to dispose of because there is complete agreement on it and I should like to accommodate him.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2020) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. FLANNAGAN. Mr. Speaker, the purpose of this bill is to increase the tobacco allotment of certain small growers up to one-half an acre. It is unanimously reported by the Committee on Agriculture and has been approved by the Department of Agriculture. It also has the approval of every burley tobacco Representative on the floor.

Mr. MARTIN of Massachusetts. It is really to help the small tobacco grower.

Mr. FLANNAGAN. That is right.

Mr. MARTIN of Massachusetts. To increase his crop.

Mr. FLANNAGAN. That is it.

Mr. JENNINGS. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, on behalf of the burley tobacco growers of east Tennessee, I wish to express my appreciation for the courtesy of the minority leader, the Honorable JOSEPH W. MARTIN, and for that of the majority leader, the Honorable JOHN W. MCCORMACK, and to all the membership of this House for unanimously permitting the consideration at this time of H. R. 2020.

This bill amends section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and provides that any farm having a burley tobacco allotment in 1942 shall have not less than one-half-acre allotment.

There are more burley tobacco growers with a small allotment in my district than in any other section of the country. Most allotments in 1942 ranged from one-tenth acre up to 2 acres.

Burley tobacco is the chief cash-income crop of most small farmers. The effect of this amendment will be to encourage these farmers to remain on the farm and to produce foodstuffs because this increased allotment will give them a larger income from burley tobacco.

This increased production of tobacco will be absorbed by the demand that now exists for more tobacco.

In urging the officials of the Department of Agriculture to increase the allotments to our burley growers this year, I have repeatedly stressed the fact that to increase their allotments and to permit them to grow more tobacco will not decrease the production of food, but will, in fact, result in an increased production of foodstuffs.

This law, which permits every burley tobacco grower to grow not less than one-half acre, taken together with the increase of one-fifth of an acre heretofore granted by the Department of Agriculture to all burley growers, will mean many thousands of dollars to the farmers, their wives, and their children this year. I am happy to have taken an active part in making this fight on behalf of our farmers and their families.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I hope the gentleman from Tennessee does not call tobacco food.

Mr. JENNINGS. It keeps a man there and aids in the production of food crops.

Mr. RANKIN. I shall not object but I should hardly call it food.

Mr. JENNINGS. A lot of people cannot digest their food without their tobacco.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 313 (a) of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of said subsection and inserting in lieu thereof a colon and the following new proviso: "And provided further, That the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1942 shall not be less than one-half acre, and the acreage required for apportionment under this proviso shall be in addition to the national and State acreage allotments."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CRAVENS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a letter I received from a constituent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[The matter referred to appears in the Appendix.]

TEMPORARY ADJUSTMENT OF SALARIES OF EMPLOYEES OF THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (S. 17) to provide for a temporary adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Public Law No. 489 of the Seventy-first Congress (S. 2370), approved July 1, 1930, is hereby amended for and during the period in which this act shall be in effect by suspending sections 1, 2, and 3 thereof, and inserting in place thereof the following new sections:

"SECTION 1. That the annual basic salaries of the officers and members of the Metropolitan Police, the United States Park Police, and the White House Police shall be as follows: Major and superintendent, \$8,000; assistant superintendents, \$5,000 each; inspectors, \$4,500 each; captains, \$3,900 each; lieutenants, \$3,350 each; sergeants, \$3,050 each; privates, a basic salary of \$2,000 per year with an annual increase of \$140 in salary for 5 years, or until a maximum salary of \$2,700 is reached. All original appointments of privates shall be made at the basic salary of \$2,000 per year, and the first year of service shall be probationary."



17/11/20



78TH CONGRESS
1ST SESSION

H. R. 2020

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1943

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
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8 acreage allotment which would otherwise be established for
9 any farm having a Burley acreage allotment in 1942 shall
10 not be less than one-half acre, and the acreage required for
11 apportionment under this proviso shall be in addition to the
12 National and State acreage allotments."

Passed the House of Representatives March 22, 1943.

Attest:

SOUTH TRIMBLE,

Clerk.

78TH CONGRESS
1ST Session

H. R. 2020

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

MARCH 23, 1943

Read twice, and referred to the Committee on
Agriculture and Forestry



Calendar No. 200

78TH CONGRESS
1ST SESSION

H. R. 2020

[Report No. 199]

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1943

Read twice and referred to the Committee on Agriculture and Forestry

APRIL 16, 1943

Reported by Mr. STEWART, without amendment

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 313 (a) of subtitle B of title III of the Agri-
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- 1 apportionment under this proviso shall be in addition to the
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Passed the House of Representatives March 22, 1943.

Attest:

SOUTH TRIMBLE,

Clerk.

Calendar No. 200

78TH CONGRESS
1ST Session

H. R. 2020

[Report No. 199]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

MARCH 23, 1943

Read twice and referred to the Committee on
Agriculture and Forestry

APRIL 16, 1943

Reported without amendment

REGULATING INTERSTATE AND FOREIGN COMMERCE
IN TOBACCO

APRIL 16, 1943.—Ordered to be printed

Mr. STEWART, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany H. R. 2020]

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 2020) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes, after having considered the same, report thereon favorably with the recommendation that the bill do pass.

An explanation of the bill is incorporated in House Report No. 266 (78th Cong., 1st sess.), which is attached hereto and made a part of this report.

[H. Rept. No. 266, 78th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 2020) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT

This bill amends section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, to provide for any farm having a burley tobacco allotment in 1942 that the allotment which would otherwise be established shall be not less than one-half acre.

Burley tobacco is grown on many small farms. Most allotments in 1942 ranged from one-tenth acre up to 2 acres, the average being about 1.6 acres. With the increase already made in the course of establishing the purpose of this amendment will not be over 6,000 acres. This is about $1\frac{1}{3}$ percent of the present national allotment.

For most small farms growing the crop, burley tobacco is one of the main sources of cash income. It is believed that the effect of this amendment will be to encourage these farmers by giving them the opportunity to obtain a slightly larger income from burley tobacco and that as a result they will tend to increase rather than decrease production of food and feed needed during the war period. The

2 REGULATE INTERSTATE AND FOREIGN COMMERCE IN TOBACCO

market situation is such that increased production of tobacco resulting from this amendment will be needed. However, it is not believed to be advisable to make any substantial increase in burley tobacco allotments generally at this time as such an increase would tend to affect adversely the production of food and feed needed more urgently during the war period than tobacco.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

[PUBLIC, 430, 75TH CONG., AS AMENDED]

* * * * *

"SEC. 313. (a) The national marketing quota for tobacco established pursuant to the provisions of section 312, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. Notwithstanding any other provision of this section and section 312, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-42 to 1943-44, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing quota is increased or decreased above or below the last preceding national marketing quota: *Provided*, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: *And provided further*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices[.]: *And provided further*, That the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1942 shall not be less than one-half acre, and the acreage required for apportionment under this proviso shall be in addition to the National and State acreage allotments."





tained a judgment for \$500 against the said Vincent Amatrucci, in the District Court of the United States for the Southern District of New York, on account of such injuries, and (2) to Elizabeth Kish, of New York, N. Y., the sum of \$112.72, in full satisfaction of her claim against the United States for reimbursement of medical and other expenses incurred by her on account of the injuries so sustained by the said Robert Kish Lee; the said Elizabeth Kish having obtained a judgment for \$112.72 against the said Vincent Amatrucci, in the District Court of the United States for the Southern District of New York, on account of such expenses: *Provided*, That the said Robert Kish Lee and the said Elizabeth Kish shall furnish to the Secretary of the Treasury satisfactory evidence of the relief of the said Vincent Amatrucci from liability for the payment of such judgments: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MARY LYNN MORROW AND OTHERS

The bill (H. R. 576) for the relief of Mary Lynn Morrow, Mrs. W. A. Jones, and the estates of Maurice Jones and Mrs. Avis McDonald was considered, ordered to a third reading, read the third time, and passed.

EVERETT A. ALDEN AND OTHERS

The bill (H. R. 2312) for the relief of Everett A. Alden, Robert Bruce, Edgar C. Faris, Jr., Kathryn W. Ross, Charles L. Rust, and Frederick C. Wright was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF LEONARD L. GAY

The Senate proceeded to consider the bill (H. R. 1784) for the relief of the legal guardian of Leonard L. Gay, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "the sum of", to strike out "\$3,500" and insert in lieu thereof "\$2,500."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

H. M. REID & CO.

The Senate proceeded to consider the bill (H. R. 2067) conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claim of H. M. Reid & Co., of Macon, Ga., which had been reported from the Committee on Claims with an amendment, at the end of the bill, to add a new section, as follows:

SEC. 2. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

SUSPENSION OF ANNUAL ASSESSMENT WORK ON CERTAIN MINING CLAIMS

The joint resolution (S. J. Res. 42) to extend for 1 year the provisions of an act providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska, approved May 7, 1942, was announced as next in order.

Mr. McNARY. Mr. President, for the past 3 or 4 years bills have been passed covering this subject matter. I am curious to know from the Senator in charge of the joint resolution if this measure relates to former legislation.

The ACTING PRESIDENT pro tempore. The Senator from Colorado [Mr. JOHNSON] reported the joint resolution.

Mr. McNARY. In a word, I wish to know if the measure which is now on the calendar corresponds in substance with previous legislation which has been enacted.

Mr. JOHNSON of Colorado. It is an extension of the previous legislation. Because of the extreme shortage of manpower at the present time, such legislation is more urgent than it has ever been. Similar legislation has been enacted by the Congress on other occasions. I hope the joint resolution may be passed.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 42), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That Public Law No. 542, Seventy-seventh Congress, approved May 7, 1942, is amended by striking out "July 1, 1943" wherever it appears therein, and inserting in lieu thereof "July 1, 1944"; and by striking out "July 1, 1942" and inserting in lieu thereof "July 1, 1943."

STATUS OF RETIRED JUDGES

The bill (S. 156) relating to the status of retired judges was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 260 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 375), be, and it is hereby, amended to read as follows:

"Sec. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least 10 years, continuously or otherwise, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But, instead of resigning, any judge other than a Justice of the Supreme Court, who is qualified to resign under the foregoing provisions may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called

upon by the senior circuit judge or circuit council of that circuit and be by such senior circuit judge or such circuit council authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake. Any judge who has heretofore retired, or who hereafter retires, under the provisions of this section, may perform judicial duties only when so called and authorized as herein provided.

"In the event any circuit judge, or district judge, having so held a commission or commissions at least 10 years, continuously or otherwise, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate, an additional circuit judge of the circuit, or district judge of the district, to which such disabled judge belongs. Any judge who has heretofore retired or who hereafter retires voluntarily under the provisions of this section, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as if junior in commission to the remaining judges of said court who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority. In districts where there may be more than one district judge, if the judges or a majority of them cannot agree upon the appointment of officials of the court, to be appointed by such judges, then the senior judge shall have the power to make such appointments: *Provided*, That in determining the seniority of district judges in any State for the purpose of exercising the power of appointing officials of the court, any district judge whose jurisdiction extends over more than one district shall be held and treated as if junior in commission to the other district judges in such State, in all districts except the district of his residence.

"Upon the death, resignation, or retirement of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled."

SEC. 2. The act of August 5, 1939 (53 Stat. 1204; U. S. C., title 28, sec. 375b), entitled "An act to extend the privilege of retirement for disability to judges appointed to hold office during good behavior," is hereby amended by adding at the end thereof the following new section:

"Sec. 5. Any Justice of the Supreme Court who retires or who has retired under the provisions of this act may nevertheless be called upon by the Chief Justice and be by him authorized to perform such judicial duties, in any judicial circuit, including those of a circuit justice in such circuit, as such retired justice may be willing to undertake; a circuit or district judge so retiring or retired may nevertheless be called upon by the senior circuit judge or circuit council of that circuit and be by such senior circuit judge or such circuit council authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the

Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake; and any judge of any other court of the United States so retiring or retired may be called upon by the presiding judge or senior judge of such court and be by him authorized to perform such judicial duties in such court as he may be willing to undertake. Any such judge so retiring or retired may perform judicial duties only when so called and authorized as herein provided."

SEC. 3. For the purpose of this act the District of Columbia shall be considered as a judicial circuit.

TOBACCO QUOTAS

The bill (H. R. 2020) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, I should like to have an explanation of the bill.

Mr. THOMAS of Oklahoma. Mr. President, the bill covers only one point, and that is that any person who has an allotment for raising certain types of tobacco may have the allotment increased by one-half acre. That is the only point involved. The bill would give each person who can produce a certain type of flue-cured tobacco an increased allotment, up to one-half acre.

Mr. McNARY. Is there a shortage in tobacco of that type?

Mr. THOMAS of Oklahoma. I am not sure as to the reason for the legislation. It is recommended by the Department of Agriculture.

Mr. BARKLEY. Mr. President, the bill would permit anyone to raise at least half an acre of tobacco, whether he is now raising any or not, or to increase his quota by half an acre. The bill passed the House almost unanimously. It is recommended by the Department of Agriculture, and by all the tobacco-producing States. It is intended to correct a sort of hiatus among tobacco growers who are shut out by the present law.

Mr. McNARY. As I understand, it would not affect the quota heretofore given to tobacco growers. It would affect all those who now desire to engage in tobacco growing.

Mr. BARKLEY. That is true.

Mr. McNARY. It represents an expansion of the tobacco industry.

Mr. BARKLEY. It is permissive, to the extent of allowing an expansion by one-half acre of the allotment of each grower. That is not much tobacco for the ordinary farmer, who produces 6 or 8 acres by his own labor.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 2020) was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF TECHNOLOGICAL RESOURCES

The resolution (S. Res. 139), an original resolution reported on April 16, 1943, by Mr. HAYDEN (for Mr. LUCAS), from the Committee to Audit and Control the

Contingent Expenses of the Senate, was considered and agreed to as follows:

Resolved, That Senate Resolution 107, agreed to April 7, 1943, relating to the investigation of technological resources by a subcommittee of the Committee on Military Affairs, hereby is amended by striking out the following language as it appears in said resolution: "in addition to the cost of stenographic services to report such hearings."

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I desire to make a brief statement for the information of Senators, many of whom have come to me privately to inquire about the business of the Senate for the remainder of this week and possibly next week.

I wish to state that when the Senate shall have concluded its business today it will be my purpose to move an adjournment until Thursday next. We have completed the calendar, and there is nothing urgent upon it for consideration this week, or next, so far as I can see.

The House Committee on Ways and Means is now considering a tax bill in an effort to pass it this week if possible. It was announced that they hope to pass such a bill by Wednesday. Frankly, I have my doubts whether the House can pass a tax bill by Wednesday because the bill has not as yet been agreed to by the Committee on Ways and Means; but if they should pass a bill this week it could not reach the Senate before Thursday next. It will then have to be referred to the Committee on Finance, which will take it up promptly if not immediately.

I would not be able to say that if the House of Representatives should send a tax bill to the Senate on Thursday the committee would be called together Friday of this week; but I have consulted with the Chairman of the Committee on Finance, the Senator from Georgia [Mr. GEORGE], and I can assure the Senate and the country that immediately upon the passage of a tax bill by the House, and its receipt by the Senate, the Committee on Finance will take it up for consideration. How long a time that committee may require to consider the bill may depend on the type of bill which shall be sent here by the House. We cannot foresee that, but I wish to say that I have no intention of making any arrangement regarding the absence of Senators which would interfere with the consideration of a tax bill by the Senate whenever it is ready for consideration upon a report from the Committee on Finance.

Mr. McNARY. Mr. President—

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. BARKLEY. I shall yield in a moment.

I see no possibility of the Senate considering a tax bill this week, and, as I have said, it is impossible to say whether the Finance Committee will be able to report a bill in time to take it up on the floor of the Senate next week. It may be impossible to have it ready for consideration before Monday 2 weeks from

today. I hope certainly that Senate consideration of the bill will not be delayed longer than that, assuming that we receive it from the House of Representatives in time to consider it by that date.

So I am making this statement in order that Senators may know the legislative situation for the remainder of this week, at least, and it may be for next week, depending entirely upon the progress of the tax bill through the House of Representatives and through the Committee on Finance.

I now yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I am very glad that the able majority leader gives no assurance beyond this week. The information which I have is that possibly the tax bill may be here early in the week, and it is probable, in my judgment, that it may be reported to the Senate for action next week. I am sure that if it shall be reported by then we shall all want to be here.

Mr. BARKLEY. Oh, yes.

Mr. McNARY. I am only adding a word of caution to that which has been spoken by the Senator from Kentucky, that, while Senators may well provide for their absences this week, I do not think we can give any assurance relative to next week, because we are all anxious to have prompt action on the tax bill.

Mr. President, I have no objection to, nor am I exultant about a recess at this time even though for a few days. I am anxious that the Senate proceed with its business, pass all necessary legislation, including the appropriation bills, and adjourn in midsummer for a definite time. That is my purpose and my ambition. I am sure I shall have the co-operation of the able Senator from Kentucky, and I believe the same feeling exists among the leaders of the other House. I rose only for the purpose of saying that I am sure we will not have a tax bill this week, but we may have one next week.

Mr. BARKLEY. I appreciate the Senator's words of caution supplementing mine on the subject. In other words, to be concrete, I think that if Senators desire to absent themselves from the Senate after today for the remainder of this week they may feel at liberty to do so. If they are absent longer than this week, they should hold themselves ready to return at once upon notice by the Senate that a tax bill is ready for consideration. I will say to the Senate that if a tax bill should be ready for consideration next week, they will receive prompt notice to return to Washington in order that it may be taken up for consideration.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. May I take the Senator's statement regarding this week as meaning that the War Department civilian functions appropriation bill will not be taken up by the Senate this week?

Mr. BARKLEY. I think so. That bill is still in the committee and I do not know that it will even be reported this week, but under the circumstances it



[PUBLIC LAW 43—78TH CONGRESS]

[CHAPTER 80—1ST SESSION]

[H. R. 2020]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 (a) of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of said subsection and inserting in lieu thereof a colon and the following new proviso: "*And provided further,* That the Burley tobacco acreage allotment which would otherwise be established for any farm having a Burley acreage allotment in 1942 shall not be less than one-half acre, and the acreage required for apportionment under this proviso shall be in addition to the National and State acreage allotments."

Approved April 29, 1943.

